

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GLORIA D. WISEMAN,

PLAINTIFF,

v.

ING GROEP, N.V., VOYA FINANCIAL, INC.,
AND RELIASTAR LIFE INSURANCE COMPANY
OF NEW YORK,

DEFENDANTS.

No. 1:16-CV-07587 (AJN)

**NOTICE OF MOTION TO DISMISS
FED. R. CIV. P. 12(b)(6)**

PLEASE TAKE NOTICE that Defendants Voya Financial, Inc. and ReliaStar Life Insurance Company of New York, by undersigned counsel, will move this Court, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, on a date to be determined by the Court, for an order dismissing with prejudice the Complaint for failure to state a claim upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6), and granting such other relief as may be proper. In support, Defendants Voya Financial, Inc. and ReliaStar Life Insurance Company of New York rely on the Complaint, the First Amended Complaint, the Memorandum of Law, and Declaration of Michael T. Leigh and exhibits attached thereto, filed concurrently herewith.

(Signature on next page.)

Respectfully submitted,

Dated: January 17, 2017
Louisville, Kentucky

/s/ Michael T. Leigh
Clark C. Johnson (*pro hac vice*)
Michael T. Leigh
Jeffrey S. Moad (*pro hac vice*)
Stites & Harbison PLLC
400 West Market Street, Suite 1800
Louisville, KY 40202-3352
Tel: (502) 587-3400
Email: cjohnson@stites.com
mleigh@stites.com
jmoad@stites.com

Andrew D. O'Toole
O'Toole + O'Toole PLLC
22 Valley Road
Katonah, NY 10536
Tel: (914) 232.1511
Email: aotoole@otoolegroup.com

*Counsel for Voya Financial, Inc. and
ReliaStar Life Insurance Company of New York*

CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2016 I served the foregoing document on all counsel of record through CM/ECF, and on the following by email:

Baruch S. Gottesman, Esq.
Horowitz & Rubenstein LLC
baruchesq@yahoo.com
Counsel for Plaintiff

Aryeh Kaufman, Esq.
Law Office of Aryeh Kaufman
aryeh@akaufmanlegal.com
aryehkaufmanesq@gmail.com
Counsel for Plaintiff

/s/ Michael T. Leigh
*Counsel for Voya Financial, Inc. and
ReliaStar Life Insurance Company of New York*